

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM FUELBERTH, Individually and  
on Behalf of All Others Similarly Situated;

Plaintiff,

vs.

GODFATHER'S PIZZA, INC.,

Defendant.

**8:22CV195**

**THIRD AMENDED FINAL  
PROGRESSION ORDER**

IT IS ORDERED that the final progression order is amended as follows:

- 1) The parties have agreed to attend a settlement conference with the undersigned magistrate judge. The court will not schedule a deadline for dispositive motions at this time. The dispositive motion deadlines will be reset if the settlement conference is unsuccessful.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 2, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 16, 2025.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 16, 2025.

For the defendant(s): July 17, 2025.

4) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 17, 2025.

For the defendant(s): August 18, 2025.

5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 10, 2025.

6) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 31st day of March, 2025.

BY THE COURT:

s/ Ryan C. Carson

United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.